



Texas Department of Insurance
Division of Workers' Compensation
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BENEFIT REVIEW CONFERENCE (BRC) INFORMATION FOR SUBCLAIMANTS IN A DEATH CLAIM

DEATH/BURIAL ISSUE: When the insurance carrier refuses a request for reimbursement from a subclaimant for compensation or health care provided to the deceased injured worker or beneficiary resulting from a compensable injury. A subclaimant may be a party to an existing proceeding, or may request a proceeding not currently before the Division to address the carrier's liability when an insurance carrier denies a subclaimant's request for reimbursement. A party should be prepared to discuss the following information at a BRC on a death/burial dispute.

Definition of Terms

"Injury" means damage or harm to the body, including infections from the injury. See **§401.011(26)**.

"Benefit" means a medical, income, death or burial benefit based on a compensable injury. See **§401.011(5)**.

"Compensable Injury" means an injury in the course and scope of employment. See **§401.011(10)**.

"Course and Scope of Employment" means an activity performed by the injured worker originating in the work of the employer. See **§401.011(12)**.

"Occupational Disease" means a disease or repetitious trauma injury arising from the injured worker's employment. See **§401.011(34)**.

"Repetitive Trauma Injury" means damage to the body from repetitious activities related to the injured worker's employment. See **§401.011(36)**.

"Subclaimant" means any person who has been denied reimbursement from an insurance carrier for compensation or health care provided to an injured worker or their beneficiary. See **§409.009**.

Division Forms

- DWC-1, "Employer's First Report of Injury or Illness" (paper copy if filed electronically).
- DWC-21, PLN 1 or PLN 11, "Carrier's Notice of Disputed Issue(s) and Refusal to Pay Benefits," to show carrier's denial of the requested benefit.
- DWC-45, "Request for a Benefit Review Conference Interim," if conference was requested by the subclaimant.

Additional Information

- Information to support the total amount requested for reimbursement from the insurance carrier was for compensation or health care provided to the injured worker or their beneficiary(s).

Exchange of Information

- Must be exchanged with DWC and other parties per Rule 141.4.
- Must be exchanged no later than 14 days prior to a BRC (5 days if BRC was expedited).
- Bring information that is obtained **after** the exchange deadline to the conference in sufficient copies for filing and exchanging at the conference.